

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80206 of 2024

Arising Out of PS. Case No.-402 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Md. Ramjan, S/o Md. Salim R/o vill - Arraha, ward no. 16, P.s. - Gheladh,
Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Rashmi
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-01-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 180 litres of liquor of codeine cough syrup from a
Tata pick-up van.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the fact that he is owner of the seized



vehicle. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated, when admittedly petitioner is a person with clean antecedent and at the same time, will bring disrepute to his business.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII-cum-Special Judge, Excise-2, Madhepura in connection with Excise Case No.646 of 2022 arising out of Madhepura Excise P. S. Case No.402 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court thereafter shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of



even one case, in that event, the present anticipatory bail order shall not be given effect to, but if it is found after verification that petitioner is a person with clean antecedent, then his provisional anticipatory bail shall be confirmed.

(Satyavrat Verma, J)

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